GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Mines & Minerals - Sand - OA No. 516/15 & OA No. 111/2014 and 113/14 in the Hon'ble NGT - Payment of advocate charges for appearance and conference in the case – Orders – Issued.

INDUSTRIES & COMMERCE (MINES.III) DEPARTMENT

G.O.RT.No. 139 Dated: 07-06-2019.
Read:

1. From Sri Guntur Prabhakar, Advocate on Record, Supreme Court of India, New Delhi Lr. dated 12.06.2017, 05.02.2018 and 22.02.2018.
2. From the DM&G, A.P., file No.1658/R6/2018, dt.21.03.2018.
3. From the DM&G Notes in File C.No.2379/M.III(2)/2018, dated 07.01.2019 and 28.01.2019.

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ORDER:

In the reference 1st read above, Sri Guntur Prabhakar, Advocate on Record, Supreme Court of India, New Delhi has informed that on the instructions of Advocate General, AP Sri Basava Prabhu S.Patil, Senior Council was engaged to appear on behalf of the State in the OA No. 516/15 filed before the National Green Tribunal New Delhi by RELA and another on the sand mining in various states including the state of Andhra Pradesh wherein objections raised on the de-siltation works taken up in Krishna River near Prakasam Barrage. While enclosing the bills of Sri Basava Prabhu S. Patil, Senior Advocate and himself he has requested to arrange payment.

2. In the reference 2nd and 3rd read above, the Director of Mines & Geology, AP, has informed that Sri Guntur Prabhakar & Sri Basava Prabhu S. Patil, Senior Advocate have furnished bills along with the advanced stamped receipts as per the details given below:

Sl.No	Name of the Advocate on Record	Name of the Advocate	Period & No. of times attended for the case	Amount
1.	-	Sri Basava Prabhu S. Patil	17-03-2017	5,50,000/-
2.	-	Sri Basava Prabhu S. Patil	28-03-2017	5,50,000/-
3.	-	Sri Basava Prabhu S. Patil	16-05-2017	5,50,000/-
4.	-	Sri Basava Prabhu S. Patil	05-05-2017	5,50,000/-
5.	-	Sri Basava Prabhu S. Patil	11-05-2017	5,50,000/-
6.	-	Sri Basava Prabhu S. Patil	19-04-2017	5,50,000/-
7.	-	Sri Basava Prabhu S. Patil	23-05-2017	5,50,000/-
8.	-	Sri Basava Prabhu S. Patil	01-02-2018	5,50,000/-
9.	-	Sri Basava Prabhu S. Patil	22-02-2018	5,50,000/-
10.	Sri Guntur Prabhakar	-	17-10-2017, 17-01-2018, 01-02-2018 & 22-02-2018. 4 appearances @1,10,000/- per appearance in O.A No. 516/2015	4,40,000/-
11.	Sri Guntur Prabhakar	-	27-02-2015, 23-03-2015, 12-05-2015 08-07-2015, 12-08-2015, 29-10-2015 & 05-01-2016. appearances @1,10,000/- per appearance in O.A No. 111/14 & 113/14	7,70,000/-
			Total	61,60,000/-

Contd...2..

3. The Director of Mines & Geology who are requested to substantiate the proposal since the remuneration rates indicated by the DM&G is not fixed as per the orders of Law Department, has informed that the Advocate on Record, Sri Guntur Prabhakar has specifically mentioned that on the instructions of the Learned Advocate General keeping in view of the importance of the case i.e. if strong contentions on the objections raised by the petitioners in the NGT sand case were put forth by a Senior Council, there was a possibility to get stay on de-siltation works carried out in Prakasam Barrage resulting in supply of sand scarcity. As a result, all capital works taken up in the Amaravathi city will be halted. Keeping this into consideration, Sri Guntur Prabhakar, Advocate on Record has on the instructions of the Learned Advocate General, Government of A.P, engaged Sri Basava Prabhu S. Patil, Senior Advocate of Supreme Court of India duly informing to the Government and succeeded the case in not getting any stay orders on de-siltation works carried out in Prakasam Barrage. As such, the civil works taken up in the Capital Region were completed smoothly and it involves public interest. Finally, the Hon'ble NGT, New Delhi in its judgment dated: 20-12-2018 has disposed the said case with a direction to follow the guidelines given in the judgment dt. 05-09-2018 in the case of Mushtakeem Vs MOEF & CC and others for sand quarrying and de-siltation works.

4. Therefore, the DM&G has requested to accord permission to pay the Lawyer fees for an amount of Rs.61,60,000/- as detailed below:

Sri Gunutr Prabhakar	Rs. 12,10,000/-
Sri Basava Prabhu S. Patil	Rs. 49,50,000/-

5. After careful examination in the matter, Government hereby sanction an amount of Rs.61.60 lakhs (Sixty one lakhs sixty thousands only) towards the lawyer fees for arranging payment of Rs,12,10,000/- to Sri Guntur Prabhakar, Advocate on Record and Rs.49,50,000/- to Sri Basava Prabhu S. Patil, Senior Advocate of Supreme Court of India.

6. The above amount may be debited from the Head of Account :2853-Non-Ferrous Mining & Metallurgical Industries 02 – Regulation & Development 01- Direction & Administration 01- Head Office 280- Professional Services 281- Pleader Fees.

7. The Director of Mines & Geology, AP is advised to meet the expenditure from the BE Provision of 2019-20 duly making necessary provisions in full budget. He is also requested to draw the amount and to arrange necessary payment to the individuals.

8. This order issues with the concurrence of Finance (FMU, I&C) Dept. U.O.No.FIN01-45027/137/2018-SO(FMU-Rev.I) FINANCE (Computer No. 447270), dated 28.05.2018.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

I. SRINIVAS SRINARESH
SECRETARY TO GOVERNMENT (MINES)

To
Sri Guntur Prabhakar, Advocate on Records, Supreme Court of India, A.P.Bhavan, Ashoka Road, New Delhi.
Sri Basava Prabhu S.Patil, Advocate, Supreme Court of Inida, New Delhi.
The Director of Mines & Geology, AP, Viajayawada.
Copy to:
The Advocate General, AP, High Court Buildings, Nelapadu, Amaravathi.
SF/SCs.

//FORWARDED : BY ORDER//

SECTION OFFICER